



1 Counsel for respondents herein, Edward Olsen, Assistant  
2 United States Attorney, United States Attorney Office, does not  
3 oppose this motion.

4 The reason for this motion is that counsel for petitioner  
5 has been in protracted contested habeas corpus proceedings in  
6 Garcia Garnica v. Chertoff, et. al., United States District  
7 Court, Northern District of California, Case No. C07-4953 SBA  
8 and Garcia Garnica v. Chertoff, et. al., United States Court of  
9 Appeals for the Ninth Circuit, Case No. 07-16737, and Case No.  
10 05-75751, recall of mandate, and on October 2, 2007, counsel had  
11 to complete an amended brief in Fonseca Ramirez v. Gonzales,  
12 United States Court of Appeals for the Ninth Circuit, Case No.  
13 04-73367, for the past eight days and has been unable to  
14 complete the reply due to the unanticipated conflict.

15 Based on the foregoing, it is respectfully requested that  
16 the motion be granted.

17 Dated: October 2, 2007

/s/  
JAMES TODD BENNETT  
Attorney for Petitioner  
Navneet Ghotra

20  
21 **DECLARATION OF COUNSEL**

22 I, James Todd Bennett, hereby declare that:

23 1. I am an attorney at law, duly licensed to practice law  
24 by the California State Bar.

25 2. I am counsel of record for petitioner herein.

1           3.    The reply to the Respondent's Opposition to Petition  
2   for Writ of Habeas Corpus is currently due by September 28, 2007  
3   by the court's order pursuant to stipulation by the parties.

4           4.    For the past eight days, I have been in protracted  
5   contested habeas corpus proceedings in Garcia Garnica v.  
6   Chertoff, et. al., United States District Court, Northern  
7   District of California, Case No. C07-4953 SBA, and before the  
8   United States Court of Appeals for the Ninth Circuit, Case No.  
9   07-16737, followed by a motion to recall mandate and reinstate  
10   proceedings in Case No. 05-75751. On October 2, 2007, counsel  
11   was delayed in an immigration hearing and then had to complete  
12   the amended brief in Fonseca Ramirez v. Gonzales, United States  
13   Court of Appeals for the Ninth Circuit, Case No. 04-73367.

14           5.    I am unable to complete the reply herein by October 1,  
15   2007 due to the conflict and request leave to October 2, 2007  
16   within which to respond.

17           6.    On October 2, 2007 I conferred with Edward Olsen,  
18   Assistant United States Attorney, United States Attorney Office,  
19   counsel for respondents, and he stated he does not oppose this  
20   motion.

21           7.    One prior modification has been requested and granted.

22           8.    The requested extension will not modify the hearing  
23   date of October 12, 2007 unless otherwise ordered by the court.  
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PROPOSED ORDER

Upon a showing of good cause:

The time for petitioner to reply to the Respondent's  
Opposition to Petition for Writ of Habeas Corpus is extended to  
October 3, 2007.

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MAXINE M. CHESNEY  
United States District Judge